

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

IVAN SAMANIEGO,

Plaintiff,

v.

CALIFORNIA DEPT OF CORRECTIONS  
AND REHABILITATION, et al.,

Defendants.

Case No. 1:21-cv-00839 NONE JLT

**ORDER TO SHOW CAUSE WHY  
SANCTIONS SHOULD NOT BE  
IMPOSED FOR THE PLAINTIFF'S  
FAILURE TO PROSECUTE THIS  
ACTION AND TO COMPLY WITH THE  
COURT'S ORDERS; ORDER  
CONTINUING THE MANDATORY  
SCHEDULING CONFERENCE**

The plaintiff initiated this action on May 24, 2021. (Doc. 1) The Clerk of Court issued summons the same day (Doc. 2) The order setting the mandatory scheduling conference reads,

The Court is unable to conduct a scheduling conference until defendants have been served with the summons and complaint. Accordingly, plaintiff(s) shall diligently pursue service of summons and complaint and dismiss those defendants against whom plaintiff(s) will not pursue claims. Plaintiff(s) shall promptly file proofs of service of the summons and complaint so the Court has a record of service. Counsel are referred to F.R.Civ.P., Rule 4 regarding the requirement of timely service of the complaint Failure to timely serve the summons and complaint may result in the imposition of sanctions, including the dismissal of unserved defendants.

(Doc. 3 at 1) However, the plaintiff has not filed proofs of service, and the defendants have not appeared in the action. Therefore, the Court ORDERS:

1. **No later than August 27, 2021**, the plaintiff **SHALL** show cause why sanctions should not be imposed for the failure to prosecute this action and to serve the summons and complaint in a timely fashion as ordered. Alternatively, the plaintiff may file a proof of service demonstrating the summons and complaint has been served;

2. The scheduling conference is **CONTINUED** to **October 25, 2021** at 8:30 a.m.

Failure to respond may result in the Court recommending dismissal of the action.

IT IS SO ORDERED.

Dated: **July 27, 2021**

/s/ Jennifer L. Thurston  
CHIEF UNITED STATES MAGISTRATE JUDGE